REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed October 7, 2008. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of the Claims

Claims 1-12 remain in this application. Claims 1, 2-3, 5 and 7 have been amended. Claims 2 and 5 have been cancelled without prejudice. Claims 10-12 have been added.

Rejections under 112, Second Paragraph

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The Office asserts that the term "relative small" is not defined by the claims and the specification does not provide a standard for ascertaining the requisite degree to enable one of ordinary skill to be reasonably apprised of the scope of the invention. Claims 1-9 have been amended in a manner which is believed to overcome the rejection.

Rejections under 35 U.S.C. §102(b)

In the Office Action, Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2002/0176338 ("Ushiyama"). Applicants respectfully traverse the rejection. For example, the cited portions of Ushiyama do not disclose or suggest, "*performing a test write on said dye layer based optical storage device (10)*", as in claim 1.

In contrast to claim 1, Ushiyama discloses a method for recording information onto a phase-change disc while varying a linear velocity. That is, the test recording method of Ushiyama is exclusively directed to phase-change recordings whereby a recording layer is heated to its melting point, and thereafter cooled rapidly. This is unlike a recording principle in which a mark shape is decided depending on temperature distribution as in magneto-optical recording. *See* Ushiyama, par. [0008].

In contrast to Ushiyama, the test recording method of the present invention has applicability to **both** dye discs and phase-change discs. Given that Ushiyama teaches performing power control for phase-change discs, claim 1 has been amended to recite a method of performing optimum power control in respect of a dye layer based optical storage device (10) prior to writing data thereto.

Accordingly, Ushiyama does not disclose "*performing a test write on said dye layer based optical storage device (10)*", as in claim 1. Therefore, claim 1 is allowable.

Claims 2-4, 6 and 8 depend from claim 1, which Applicants have shown to be allowable. Hence the cited portions of Ushiyama fail to disclose at least one element of each of claims 2-4, 6 and 8. Accordingly, claims 2-4, 6 and 8 are also allowable, at least by virtue of their dependence from claim 1.

B. Claims 7-9

Independent Claims 7 and 8 recite similar subject matter as Independent Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 7 and 8 are believed to recite statutory subject matter under 35 USC 102(b).

Claim 9 depends from claim 7, which Applicants have shown to be allowable. Hence the cited portions of Ushiyama fail to disclose at least one element of claim 9. Accordingly, claim 9 is also allowable, at least by virtue of its dependence from claim 7.

New Claims

Applicants have added new claims 10-12. With regard to claim 11, it is respectfully submitted that the cited portions of Ushiyama do not anticipate new claim 11 because the cited portions of Ushiyama do not teach every element of new claim 11. For example, the cited portions of Ushiyama do not disclose or suggest at least the steps of, "*determining a media variation power factor based on steps (a) – (e); determining a speed power factor based on steps (c) – (e); and obtaining a function that maps writing power level to speed based on the derived media variation power factor and the speed power factor*", as in claim

11.

In accordance with the invention, a **media variation power factor** is created using Nx1 OPC information from the inside and the outside of the disc radius. To create a **speed power factor**, Nx1, Nx2, ... Nxm, information is used from the outside radius of the disc. The two created power factors are then jointly used to more accurately control the required laser power for all radii.

It is respectfully submitted that Ushiyama does not disclose the joint use of two power factors to obtain a function that accurately maps writing power level to speed. Instead, Ushiyama merely teaches a method for recording information onto a phase-change disc while varying a linear velocity in which recording parameters are generated and thereafter corrected. The method taught in Ushiyama comprises, inter alia, the steps of, performing a test writing for inner and outer periphery zones at substantially equal linear velocities **to obtain a recording parameter suitable for the inner periphery of the disc** and **a recording parameter suitable for the outer periphery of the disc; obtaining a recording parameter correction coefficient** at a position with respect to the disc radius based on the recording parameter suitable for the inner periphery of the disc and **obtaining a recording parameter correction coefficient** at a position with respect to the disc radius based on the recording parameter suitable for the outer periphery of the disc. The method further comprises **correcting a recording parameter** corresponding to a linear velocity at an area onto which the information is to be recorded with the recording parameter coefficient, thus controlling the light source with the corrected recording parameter. *See* Ushiyama, par. [0018]. That is, the recording parameter correction coefficient, which is a function of the disc radius position is determined, and the recording parameter corresponding to the disc radius position (linear velocity) to be recorded is corrected. *See* Ushiyama, par. [0050]. It is submitted that correcting a recording parameter using a parameter correction coefficient is different from *determining a media variation power factor based on steps (a) – (e); determining a speed power factor based on steps (c) – (e); and obtaining a function that maps writing power level to speed based on the derived media variation power factor and the speed power factor*", as in claim 11.

In further contrast to Ushiyama, the Examiner refers the Applicants to Fig. 11 for allegedly teaching utilizing the innermost and outermost radii of the optical storage device. See Office Action, page 3, "as per claim 3". However, Applicants respectfully submit that Ushiyama teaches that the inner periphery of the disk is **only utilized in the case where a property difference is detected**, such as the case where a recording sensitivity difference may occur between the inner and outer peripheries of the disc. *See* Ushiyama, par. [0025]. In other words, utilization of the innermost radii **is conditional** in the sense that a property difference must first be detected. There is no such equivalent limitation in the method of the invention.

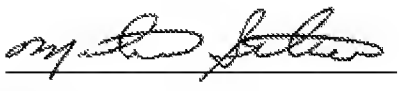
New claims 10 and 12 particularize the function recited in claims 1 and 11, respectively, as a linear regression function. Support may be found, for example, at page 6 of the specification.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-12 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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